



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2017 Biennium

<b>Bill #</b>	HB0232	<b>Title:</b>	Generally revise laws related to identity theft
<b>Primary Sponsor:</b>	Dudik, Kimberly	<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** There is an unknown fiscal impact to the state of Montana.

### FISCAL ANALYSIS

#### Assumptions:

#### Department of Corrections

- HB 232 would increase the penalty for those convicted of identity theft when the victim is a minor.
- In the past 5 years, the Department of Corrections (DOC) had 29 offenders convicted of identity theft, or an average of 6 per year.
  - A total of 15 sentences were deferred an average of 42 months.
  - A total of 8 sentences were suspended an average of 94 months.
  - A total of 1 sentence went directly to the Montana State Prison (MSP) for 48 months.
  - A total of 1 was sentenced to the MSP for 120 months with 60 months suspended.
  - A total of 1 sentence was a DOC commit for 24 months.
  - A total of 3 were sentenced as DOC commits for 120 months with 60 of those suspended.
- The DOC has no way to determine if the victim in these sentences were minors and therefore fiscal impact is unknown.
- If a person is convicted of a felony under this new language, the cost of incarceration is \$34,175 per year per male inmate and \$38,515 per year per female inmate.

**The Office of the State Public Defender**

5. The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals charged with a crime who cannot afford to hire counsel, represent individuals on direct appeal and also to provide counsel if there is a conflict of interest. The OPD is unable to predict the number of new cases as a result of HB 232.

**Effect on County or Other Local Revenues or Expenditures:**

1. HB 232 amends 45-6-332, MCA, to impose a sentence of up to one year in the county jail if the victim is a minor and there was no economic benefit, which is double the current maximum sentence. For convictions, that increase would double the cost of housing that inmate for a county.

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*Sponsor's Initials*

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*Date*

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*Budget Director's Initials*

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*Date*